

AG Contract No. KR95 1484TRN
COT No. 0115-96
ADOT ECS File No. JPA 95-121
Project: H2609 OLC
Section: B-19, SR-86

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT is entered into 19 March, 1995, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF TUCSON, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to a traffic interchange reconstruction project on I-19 at Valencia Road contemplated by the State in the City, planned as an equal State/City cost sharing project, the State and City have agreed that the State will credit the City towards that project in exchange for the abandonment of jurisdiction and maintenance responsibility by the State and transfer to the City portions of B-19 and SR-86 in the City.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>20585</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>03/19/96</u>
<u>Jane Lee Hull</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE

1. The State will:

a. Upon approval of and by resolution of the Transportation Board, credit the City towards the City's fifty percent (50%) share of the B-19 Valencia traffic interchange and widening project by abandoning jurisdiction and maintenance responsibility to the City of any or all of these roadway sections:

B-19, South 6th Avenue
18th Street to South Tucson

B-19, South 6th Avenue
South Tucson limits to I-10

SR-86, Ajo Highway
I-19 to South 6th Avenue

B-19, South 6th Avenue
Drexel to Los Reales

B-19, South 6th Avenue
Irvington to Drexel

b. Provide to State standards design plans, specifications and such other documents and services required for the I-19 Valencia traffic interchange and related widening of Valencia Road from Santa Clara Avenue to 12th Avenue suitable for construction bidding and construction. Incorporate City review comments as appropriate.

c. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation attributable to the State.

d. Upon completion, approve and accept the I-19 Valencia traffic interchange improvements, and provide maintenance within the State's control of access, except as specified herein at Section II.2.e.

2. The City will:

a. Waive the requirements of Arizona Revised Statutes Section 28-106.

b. Upon approval of and by resolution of the Transportation Board, accept jurisdiction and maintenance responsibility for any or all of the roadways specified herein at Section II.1.a, in an aggregate total amount not to exceed the City's fifty percent (50%) share of the total cost of the I-19 Valencia traffic interchange and widening project.

c. Review the I-19 Valencia traffic interchange and related improvements design documents and provide comments.

d. Upon completion and acceptance of the project by the State, provide maintenance outside the State's control of access.

e. Continue I-19 Valencia traffic interchange signal and lighting maintenance in accordance with that certain intergovernmental agreement known as AG Contract No. 83-029 filed with the Arizona Secretary of State on 27 January 1983 under number 8249, incorporated herein by reference.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said abandonments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a I-19 Valencia traffic interchange construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Tucson
Transportation Director
Box 27210
Tucson, AZ 85726-7210

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TUCSON

STATE OF ARIZONA

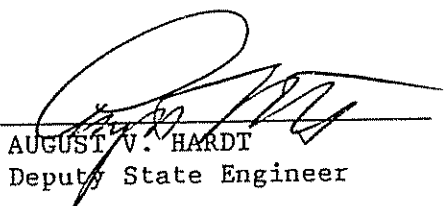
Department of Transportation

By



GEORGE MILLER
Mayor

By



AUGUST V. HARDT
Deputy State Engineer

ATTEST

By

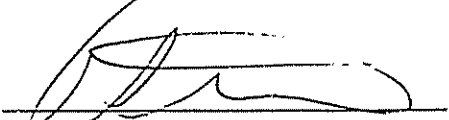


KATHLEEN S. DETRICK
City Clerk

RESOLUTION

BE IT RESOLVED on this 7th day of July 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for design and construction of the I-19 Valencia traffic interchange and subsequent abandonment of portions of I-19B and SR-86 to the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

ADOPTED BY THE
MAYOR AND COUNCIL
FEB 26 1996

RESOLUTION NO. 17182

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TUCSON AND THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE VALENCIA ROAD TRAFFIC INTERCHANGE RECONSTRUCTION PROJECT.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreement between the City of Tucson and the State of Arizona Department of Transportation for the Valencia Road traffic interchange reconstruction project, attached hereto, is approved.

SECTION 2. The Mayor is authorized and directed to execute the said Intergovernmental Agreement and the City Clerk is directed to countersign the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

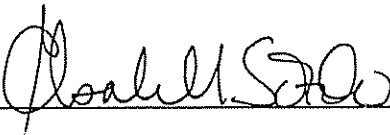
SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

JPA 95-121

APPROVAL OF THE TUCSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 7 day of Feb, 1995.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR95-1484-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 12th day of March, 1996.

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
9042G